

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

November 29, 2011

Lyle W. Cayce
Clerk

No. 11-40366
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

MARTIN GUTIERREZ, also known as Felipe Cornejo,

Defendant - Appellant

Appeals from the United States District Court
for the Southern District of Texas
USDC No. 1:80-CR-9-3

Before BARKSDALE, STEWART, and PRADO, Circuit Judges.

PER CURIAM:*

Martin Gutierrez challenges the order striking his petition for reimbursement of attorney's fees under the Hyde Amendment. The district court struck the petition because Gutierrez's counsel failed to include in it his federal-identification number, in accordance with Southern District of Texas Local Civil Rule 11.3A(4). Gutierrez contends the district court should have waived application of the local rule in the interest of justice. (Gutierrez filed a

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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corrected petition after the first petition was denied, but this corrected petition was denied as untimely. He does not challenge that ruling.)

A district court's application of local rules is reviewed for abuse of discretion. *E.g., Victor F. v. Pasadena Indep. Sch. Dist.*, 793 F.2d 633, 635 (5th Cir. 1986). Absent "impelling reasons", local rules should not be ignored. *Id.* Gutierrez offers no justifiable reason—much less an impelling one—for not applying the local rules in this instance. Accordingly, Gutierrez has not shown that striking the petition was an inappropriate exercise of the court's discretion. *See id.* at 636.

AFFIRMED.